

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

SAMUEL S. FUNG and

ERIC AARON LIGHTER,

Defendants.

No. CR-05-215-JW (HRL)

**ORDER GRANTING EX PARTE
APPLICATION FOR IMMUNITY**

On motion of MELINDA HAAG, United States Attorney for the Northern District of California, the Court hereby finds and orders as follows:

1. Jean-Paul Bourdier may be called to testify at trial of the above-captioned matter;
and

2. In the judgment of the United States Attorney, Jean-Paul Boudier is likely to refuse to testify on the basis of his Fifth Amendment privilege against self-incrimination; and

3. In the judgment of the United States Attorney the testimony and other information to be obtained from Jean-Paul Bourdier is necessary to the public interest; and

4. The motion filed here has been made with approval of the designate of the Assistant Attorney General in charge of the Tax Division of the Department of Justice, pursuant to the authority vested in him by 18 U.S.C. § 6003 and 28 C.F.R. 0.175;


IT IS THEREFORE ORDERED that Jean-Paul Bourdier as soon as he may be called, shall testify under oath and provide other information including documents in this case and in any further ancillary proceedings;

1 IT IS FURTHER ORDERED that the testimony and other information compelled from
2 Jean-Paul Bourdier pursuant to this order, including personal or business records, the fact of his
3 production of any records, and any information directly or indirectly derived from such
4 testimony may not be used against her in any criminal case, except a prosecution for perjury,
5 false declaration, or otherwise failing to comply with this order.

6 On September 2, 2010, counsel for Defendant Eric Lighter filed a "Response" objecting
7 generally to the government's immunity Application. Counsel stated in a declaration that because he
8 was occupied with another case, he will file a more substantive objection on on September 9, 2010.
9 (See Docket Item No. 162.) To date, counsel has not filed any further substantive objection. In any
10 event, the Court is satisfied that the procedures mandated by statute for securing this immunity have
11 been followed and thus, the Court does not find good cause to invade the province of the executive
12 branch's decision regarding grant of immunity. See Title 18 U.S.C. Section 6003(a).
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14 Accordingly, the Court GRANTS the government's Application for Immunity as to Jean-Paul
15 Bourdier.
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18 Date: September 13, 2010

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20 JAMES WARE
21 United States District Judge
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